

A Baffling Jurist

Howard Francis Corcoran

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WASHINGTON, Aug. 16— Judge Howard Francis Corcoran's ruling yesterday enjoining the House Committee on Un-American Activities from holding scheduled hearings took his friends completely by surprise.

"I heard about the order on the radio while driving home last night,"

Man a former colleague remarked today.

in the "Then when I

News heard who had handed down the

order I almost ran into a tree."

The reason his friends were baffled is that Judge Corcoran has a reputation for conservatism, both in the way he conducts his life and in his approach to the law.

"I would never have suspected that Howard would be the first man in history to order a Congressional committee from going about its business," another friend said.

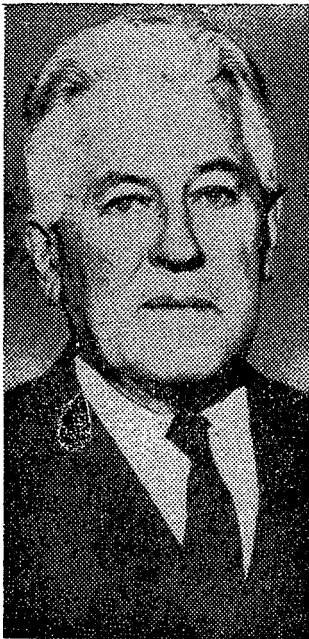
The judge's action has aroused widespread comment here, particularly among members of Congress who believe that it constitutes a clear violation of the separation of governmental powers.

After the initial shock wore off, however, some of his friends reached the conclusion that despite its revolutionary overtones the decision had been essentially a conservative one, fully consistent with its author's background and inclinations. One proponent of this point of view is the judge's brother, the flamboyant Thomas Gardiner Corcoran, a prominent member of President Roosevelt's "brain trust" during the New Deal better known as Tommy the Cork.

"This man is one hell of a lawyer," Mr. Corcoran said with affection and respect. "But he's a Harvard Law School lawyer who's followed the books all his life."

It is Tommy the Cork's impression that his brother was cautiously heeding an earlier case in which he was overruled some eight months ago by the United States Court of Appeals. In that case, persons charged with violating laws covering pornographic literature sought an injunction from Judge Corcoran restraining the Government from expected prosecution.

Whatever his motives—he was not available today, and his order gave no clues—Judge Corcoran has at least raised in a dramatic way the whole issue of the impact of Congressional inquiries upon an individual's freedom of



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An able and amiable conservative.

speech.

Judge Corcoran was born in Pawtucket, R. I., on Jan. 25, 1906. His father, the son of an Irish immigrant, was a lawyer, as are his two brothers, Tommy the Cork, who lives in Washington, and David, who lives in Rome.

He attended public schools in Pawtucket, Phillips Exeter Academy in New Hampshire, Princeton University, and finally Harvard Law School, from which he received his degree in 1931.

Like his brother, he became involved in the New Deal during the 1930's. He wielded considerably less power, and made no headlines at all. This was partly because he had little taste for politics, a field in which Tommy the Cork excelled. But in his own quiet, industrious way he made sev-

A friend recalls that "he was one of the first men to go down into T. V. A. country" after legislation setting up the Tennessee Valley Authority was passed. Along with Henry H. Fowler, now Secretary of the Treasury, the judge helped incorporate the town of Norris, which became the headquarters for the T. V. A. He also served as an adviser to the Department of Agriculture and the Securities and Exchange Commission.

In 1938 he was appointed an assistant United States Attorney for the Southern District of New York and in June, 1943, was named to head that office. His colleagues of that period remember him as a first-rate trial lawyer who prepared his cases with painstaking attention to detail.

Judge Corcoran served in the Army for the next two years with the rank of Lieutenant Colonel and was awarded the Bronze Star for helping to lay the legal groundwork—through a series of position papers for the Joint Chiefs of Staff—for the postwar occupation of Germany.

From 1946 to 1965—when President Johnson appointed him to the post of Federal district judge for the District of Columbia—he was engaged in private practice, first with Corcoran & Kostelanetz in New York, then with his brother's firm in Washington, Corcoran, Foley, Youngman & Rowe.

He is genuinely admired both by his fellow judges and by the bar. Primarily a civil lawyer in private practice, he has had to deal with a wide range of cases in district court, and observers marvel at his ability to absorb and grasp new and complex issues.

He is an imposing but genial man whose Irish appearance includes a shock of silvery hair, clear blue eyes, and a quick and ready smile. He has been married twice. He and his second wife, the former Esther Pierce, a former WAC whom he married in 1952, live quietly in a comfortable ranch-style home in Potomac, Md., a Washington suburb. A third and much respected member of the household is a Schnauzer named Gus. There are no children.

The law is the consuming interest of life. His brother says that he was once "a good mountain climber and a pretty good man in the Canadian woods" but his principal recreation now is golf. He shoots in the 80's and plays whenever he can find the time at Congressional Country Club, not far from his home.

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